

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA                     )  
   )  
vs.   )  
   )       Mag. No. 1-09-MJ-432  
WINTON HOLLAND                                 )

MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the preliminary hearing and detention hearing were held in this action on December 11, 2009. Those present included:

- (1) AUSA Steve Neff for the United States of America.
- (2) The defendant, WINTON HOLLAND.
- (3) Attorney Neal Thompson for defendant.
- (4) DEA Agent David Shelton.
- (5) Deputy Clerk D'Andra Hinton.

Upon being sworn the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

The defendant acknowledged he had received a copy of the Criminal Complaint. It was determined he was capable of being able to read and understand these proceedings.

AUSA Neff moved the court the defendant be detained without bail.

Detention Hearing and Preliminary Hearing - Proof

AUSA Neff called DEA Agent David Shelton as a witness. He testified to the facts outlined in the affidavit attached to the criminal complaint.

Findings

Having heard and considered the testimony of Agent Shelton during the detention hearing and preliminary hearing and the Affidavit/Complaint, the undersigned finds:

- (1) There is probable cause to believe that there have been violations of 18 U.S.C. § 1513, retaliating against a witness, victim, or an informant; 18 U.S.C. § 924(c), carrying a firearm

during and in relation to a crime of violence; 18 U.S.C. § 922(g)(1), felon in possession of a firearm; and 21 U.S.C. § 846, attempt to manufacture methamphetamine, committed in the Eastern District of Tennessee.

(2) There is probable cause to believe the defendant committed the aforesaid offenses.

(3) The proof the defendant committed the aforesaid offenses is strong.

(4) There are no conditions nor are there any combination of conditions which will reasonably ensure the safety of the community.

#### Conclusions

It is ORDERED:

(1) The defendant is held to answer the charges against him in the District Court.

(2) AUSA Neff's motion to detain the defendant without bail is GRANTED for reasons set out in the separate ORDER OF DETENTION PENDING TRIAL filed with this order.

(3) The defendant's next appearance shall be before the undersigned magistrate judge at **3:30 pm on Monday, January 4, 2010.**

ENTER.

Dated: December 15, 2009

*s/William B. Mitchell Carter*

UNITED STATES MAGISTRATE JUDGE